

REMARKS

Claims 1-3, 7-13, 17-24, and 27-30 are pending. By this Amendment, claims 4-6, 14-16, and 25-26 are cancelled, and claims 1-2, 7, 9-13, 17, 21-24, and 27-30 are amended.

Objections to the Claims

Claims 1-2, 4, 11-12, 14, 21-22, and 24 have been objected to for various informalities. By this Amendment, any causes of these objections have been remedied. Withdrawal of the objections is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 1-30 have been rejected under Section 112 for indefiniteness. By this Amendment, independent claims 1, 11, and 21 are amended to state an invention directed to copy protecting a program to be installed on a computer system. This revision, together with the other amendments to the claims, is believed to resolve any cause for the § 112 rejection. Withdrawal of the § 112 rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 101

Claims 21-30 have been rejected as being directed to non-statutory subject matter for failure to define a structural and functional interrelationship between a computer program and other elements of a computer which permit the functionality of the computer program to be realized. Amended claims 21-24 and 27-30 now claim a computer-readable medium comprising a program facilitating the claimed functionality realized by execution of the program in a computer system. Therefore, any cause for the § 101 rejection has been resolved. Withdrawal of the § 101 rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 3-9, 11, 13-19, 21, and 23-29 have been rejected under Section 102(b) as being anticipated by European Patent Application Publication No. 0175557 by Fifield et al. (hereinafter, "Fifield et al."). Claims 2, 12, and 22 have been rejected under Section 103(a) as being obvious in view of Fifield et al. and in further view of U.S. Pat. No. 5,343,524 to Mu et al. For at least the reasons provided below, independent claims 1, 11, and 21 are not anticipated by Fifield et al, rendering the remaining claim rejections moot.

Fifield et al. is directed to a software protection technique in which at least one step of the computer program is permanently stored in a security device for attachment to a main processor of a computer system. This part of the program is executed by a subsidiary processor and is never transferred to the main processor, facilitating security since it is not accessible to a user. As part of executing the overall program various items of information are exchanged between the main processor and the security device.

By contrast, the invention claimed in claims 1, 11, and 21 is directed to making a computer program copy-protected by converting a decision section of the program into a program instruction and a code, *which are both in the copy-protected version of the program*. The code includes data and a processing regulation applicable to the data for execution of the decision section of the program.

The copy-protected version of the program is executed in the computing section, whereas the code is executable only in the copy protection unit (claims 1 and 11) or the copy protection process (claim 21). When the copy-protected version of the program is executed in the computing section, the code is transferred to the copy protection unit or copy protection process for execution therein. Fifield et al. is not instructive of transferring the code executable exclusively in the copy protection unit or the copy protection process to, respectively, the copy

protection unit, or the copy protection process, during execution of the copy-protected version of the program in the computing section, as claimed in claims 1 and 11, and claim 21.

The invention claimed in claims 1, 11, and 21 also includes determining a decision section of the program and specifically converting the decision section as claimed to produce the protected version of the program. Fifield et al. does not teach or suggest this approach to converting a program to add copy protection thereto.

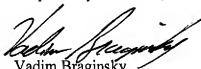
For at least these reasons, independent claims 1, 11, and 21 are believed to be allowable over Fifield et al. Each of dependent claims 2-3, 7-10, 12-13, 17-20, 22-24, and 27-30 further limits its respective base claim; therefore, these claims are also believed to be allowable. Withdrawal of the § 102 and § 103 rejections is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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